

### **REMARKS/ARGUMENTS**

Prior to entry of this Amendment, the application included claims 1-12. Claims 1 and 5 have been amended. Claim 4 has been canceled. No claims have been added. Hence, after entry of this Amendment, claims 1-3 and 5-12 stand pending for examination.

The Applicant thanks the Examiner for allowance of claim 4 and the assistance provided during a telephone discussion on March 17, 2008, regarding amendments to advance this matter to allowance.

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of the non-patent literature to Fegghi et al. ("Fegghi").

Claim 1 has been amended to include the subject matter of claim 4, the subject matter of which has been determined to be allowable. Hence, all pending claims are believed to be allowable.

### **Conclusion**

In view of the foregoing, the Applicant believes all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

Application No. 10/803,457  
Amendment dated March 17, 2008  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2134

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: March 17, 2008

/Irvin E. Branch/

Irvin E. Branch

Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
IEB/jln  
61286185 v1